

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID JOSSELYN

Petitioner,

v.

KATHLEEN DENNEHY,

Respondent

Civil Action No. 04-10621-GAO

**PETITIONER'S ASSENTED TO MOTION FOR ENLARGEMENT OF TIME IN
FILING OPPOSITION TO RESPONDENT'S MOTION TO DISMISS**

Now comes the petitioner, David Josselyn, and respectfully requests that this Honorable Court enlarge the time within which to file his opposition to the respondent's motion to dismiss his petition for habeas corpus up to and including January 31, 2005. As reasons therefore, Counsel states:

1. Counsel's schedule has been unexpectedly busy schedule over the past 60 days due to:
 - a. An order from the United States Supreme Court allowing the government's motion for both an expedited briefing and argument in United States v. Duncan Fanfan. Counsel's schedule was interrupted to prepare the brief, which was due with the United States Supreme Court on September 21, 2004, and to prepare the oral argument, which was presented on October 4, 2004.
 - b. Counsel just completed a multiple week first-degree murder trial Commonwealth v. James Bush (docket # 2003-1005).
 - c. Counsel's brief in the matter of Commonwealth v. Olivera is due November 30, 2004 with the Massachusetts Appeals Court and is marked no further continuances. (Docket No. 2004-P-0980).

d. Counsel's Petition of Habeas Corpus in the matter of Commonwealth v. Costa, Day, and DeNicholas, a double murder, was filed September 22, 2004.

2. Counsel's husband is being deployed to Iraq on Friday November 26, 2004 for the duration of one year. Counsel is attempting to cut back on her caseload to spend more time with her three children, ages 2 ½, 6 and 9, while their father is in Iraq.

WHEREFORE, appellant respectfully requests that the Court allow her Motion for Enlargement of Time up to and Including January 31, 2005.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party and upon any party appearing pro se by first class mail, postage prepaid or by hand delivery.

Dated: 11/23/04

Signed: [Signature]

Respectfully Submitted,
DAVID JOSSELYN
By his attorney,

[Signature]
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